

### **IC 34-24-3**

#### **Chapter 3. Treble Damages Allowed in Certain Civil Actions by Crime Victims**

### **IC 34-24-3-1**

#### **Offenses against property; recovery of damages, costs, and attorney's fee**

Sec. 1. If a person suffers a pecuniary loss as a result of a violation of IC 35-43, IC 35-42-3-3, IC 35-42-3-4, or IC 35-45-9, the person may bring a civil action against the person who caused the loss for the following:

- (1) An amount not to exceed three (3) times the actual damages of the person suffering the loss.
- (2) The costs of the action.
- (3) A reasonable attorney's fee.
- (4) Actual travel expenses that are not otherwise reimbursed under subdivisions (1) through (3) and are incurred by the person suffering loss to:
  - (A) have the person suffering loss or an employee or agent of that person file papers and attend court proceedings related to the recovery of a judgment under this chapter; or
  - (B) provide witnesses to testify in court proceedings related to the recovery of a judgment under this chapter.
- (5) A reasonable amount to compensate the person suffering loss for time used to:
  - (A) file papers and attend court proceedings related to the recovery of a judgment under this chapter; or
  - (B) travel to and from activities described in clause (A).
- (6) Actual direct and indirect expenses incurred by the person suffering loss to compensate employees and agents for time used to:
  - (A) file papers and attend court proceedings related to the recovery of a judgment under this chapter; or
  - (B) travel to and from activities described in clause (A).
- (7) All other reasonable costs of collection.

*As added by P.L.1-1998, SEC.19.*

### **IC 34-24-3-2**

#### **Irrebuttable presumption of retailer's pecuniary loss; insurance or indemnification prohibited**

Sec. 2. (a) For purposes of determining the amount of damages recoverable under section 1(1) of this chapter, there is an irrebuttable presumption that a retailer who brings a civil action under this chapter (or IC 34-4-30 before its repeal) as the result of a violation of IC 35-43-4-2 (theft) or IC 35-43-4-3 (conversion) suffers a pecuniary loss in the amount of:

- (1) one hundred dollars (\$100) regardless of whether:
  - (A) the property is returned to the retailer; or
  - (B) the actual retail value of the property is less than one hundred dollars (\$100); or

(2) the retailer's actual damages;  
whichever is greater.

(b) An individual found liable in a civil action under this chapter (or IC 34-4-30 before its repeal) for violating IC 35-43-4-2 or IC 35-43-4-3 may not be indemnified or insured for any penalties, damages, or settlement arising from the violation.

*As added by P.L.1-1998, SEC.19.*

### **IC 34-24-3-3**

#### **Action for punitive damages**

Sec. 3. It is not a defense to an action for punitive damages that the defendant is subject to criminal prosecution for the act or omission that gave rise to the civil action. However, a person may not recover both:

(1) punitive damages; and

(2) the amounts provided for under section 1 of this chapter.

*As added by P.L.1-1998, SEC.19.*

### **IC 34-24-3-4**

#### **Damages inflicted by operation of motor vehicle excepted unless intentional**

Sec. 4. This chapter does not apply to a person who suffers pecuniary damages as a result of the operation of a vehicle in violation of IC 35-43-1-2 or IC 35-43-2-2, unless the damage was intentionally inflicted.

*As added by P.L.1-1998, SEC.19.*